

Administrative Rules Process in a Nutshell

Request for Rulemaking (RFR)	Requests to commence rulemaking can come from professional boards/commissions, advisory committees, the department, or the public. The RAO sends an RFR electronically to the ORR.
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Pre-Hearing Draft Rules	<ul style="list-style-type: none"> • Board/commission (and department) approves the draft; Regulatory Affairs Officer (RAO) of department or agency approves the draft. • ORR approves (after legal/policy review) and sends to LSB. • LSB edits and returns to ORR; ORR returns to department/agency for correction.
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Public Hearing	<ul style="list-style-type: none"> • Regulatory Impact Statement and Cost-Benefit Analysis (the “why” and “\$” document) is approved by the RAO and sent to ORR for approval. • Public hearing notice and LSB-corrected rules are sent by RAO to ORR. • Newspaper ads (hearing notice secured by RAO). • <i>Michigan Register</i> (ORR publishes notice and rules). • Court reporter (secured by RAO). • Public comment period beyond public hearing noted in announcement.
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Post-Hearing Draft Rules	<ul style="list-style-type: none"> • Board/commission (and department) approves rules. • Department submits to ORR for final approval. • ORR submits the final rules to LSB, and LSB has 21 days to certify the rules for form, classification, and arrangement. • ORR legally certifies (and can also certify for form if LSB did not complete the task in 21 days).
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Joint Committee on Administrative Rules (JCAR)	<ul style="list-style-type: none"> • The rules must be submitted to JCAR within one year from the public hearing or there must be a subsequent public hearing. • JCAR Agency Report summarizes changes made after the public hearing. • JCAR has 15 session days to meet and object or waive the days.
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Department or Agency Adopts the Rules, and ORR files the Rules with the Great Seal	<ul style="list-style-type: none"> • Department director adopts rules; or, the agency or commission adopts if it is a Type I agency/commission. • Rules can be filed by ORR with Great Seal after 15 JCAR session days expire, unless JCAR files a notice of objection, which gives them 15 session days to pass rules-stopping legislation and present it to the Governor. • ORR enters the filing date at the top of the first page of the rules and sends an electronic copy to the Great Seal and RAO. • The rules may become effective immediately upon filing or at a later date specified in the rules [MCL 24.245a(2)-(5)].

ORR = Office of Regulatory Reinvention

LSB = Legislative Service Bureau